

REMARKS

Reconsideration of this application and the rejections of claims of claims 1, 7, 8, 15, 16, 28, and 29 is respectfully requested. Applicant has attempted to address every ground for rejection in the Office Action dated August 21, 2008 (Paper No. 06302008) and believes the application is now in condition for allowance.

As a preliminary matter, the Examiner indicated that the Information Disclosure Statement filed on June 22, 2005 fails to comply with 37 C.F.R. § 1.98(a)(3) because it does not include a statement of relevance for references FR2625442 and DE19627187. Applicant respectfully disagrees, and submits that the abstract and drawings in each reference sufficiently describe the relevance to the present invention in view of the written description. *See* MPEP 609.04(a) (If no translation is submitted, the examiner will consider the information in view of the concise explanation and insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches.) (emphasis added).

In this case, it is quite clear how each reference operates. Specifically, in FR2625442 golf balls are loaded from a reservoir via a chute to a pivoting ascender platform and are lifted to a striking surface through use of a rod assembly with a spring biased actuating pedal. In DE19627187, the golf ball moves from a reservoir down a slightly sloped pipe. The pipe is swung by a golfer against the action of a spring about a vertical pivot axis to a dispensing position. The movement of the pipe by the golfer releases one ball from the

reservoir to be delivered by the tube. Accordingly, Applications request that references FR2625442 and DE19627187 be considered based on the information previously provided.

Claims 1, 15 and 16 stand rejected under 35 U.S.C. § 102(b) as anticipated by Wang (U.S. 5,549,518). Wang describes a supply arm (32) pivotally mounted in and normally vertically erected on a housing. However, in a rest position as in Figure 1 for example, the upper part (323) of the pivotal supply arm (32) is intended to supply balls and the lower part (34) is intended to receive balls from a storage housing. The supply arm (32) is mounted around a pivot (31) arranged at the lower part of the pivotal supply arm (32). Thus, the dispensing movement (D) consists in biasing the pivotal supply arm (32) downwardly from the vertically erected position upon a manual depression.

Claims 1, 7 and 8 stand rejected under 35 U.S.C. § 102(b) as anticipated by Smith (U.S. 5,624,325). Smith describes a pivotal supply arm (20) comprising a pivot (48) and a supply part (54). In the rest position, the pivot (48) and the feeding part are at the lower end of the pivotal supply arm (20), whereas the supply part (54) is at the upper end of the pivotal supply arm (20).

Claims 1, 28 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Hodgkin (U.S. 3,738,662). Hodgkin describes a pivotal supply arm (28) wherein the supply part and the feeding part are at the same end.

Amended claim 1 now recites, among other things, a golf ball dispenser comprising a dispenser arm being arranged substantially vertically in a rest position and comprising means, arranged in the upper part close to the flange to receive balls one by one

from the container, a lower end intended to dispense balls, and a pivoting means arranged in the upper end of the dispenser arm close to the flange for pivoting around a horizontal axis during a golf ball dispensing from said rest position to a dispensing position, said dispensing arm returning to said rest position from said dispensing position without a spring or a counterweight. Unlike the devices cited in Wang, Smith, and Hodgkin, the present embodiment is arranged substantially vertically under the container and includes an upper end arranged to receive balls one by one from the container, a lower end intended to dispense balls, and a pivoting means, arranged in the upper end of the dispenser arm close to the flange, for pivoting around a horizontal axis during a golf ball dispensing. Since none of the cited references alone or in combination disclose this feature, Applicant respectfully traverses Examiner's rejections of claim 1. Accordingly, Applicant submits claim 1 is now in allowable form.

Further, unlike the devices in the cited references, in the present embodiment the pivoting is a swinging movement and the dispenser arm returns to its rest position without the use of a spring or counterweight. The golfer simply has to release the dispenser arm for it to return to its rest position. Wang and Hodgkin need a counterweight (4 for Wang, 30 for Hodgkin). In Smith, the return is forced by means of a spring (56). However, the spring is a component that can rust or fail, and requires maintenance and proportioning of the return force. The Examiner's rejection of claim 1 is also traversed for this reason.

For the reasons previously stated, Applicant also traverses the rejection of claims 7, 8, 15, 16, 28 and 29 since these claims are dependant from allowable independent claim 1.

Applicant submits that in view of the above-identified amendments and remarks, the claims in their present form are in proper form for examination. In the event the Examiner determines that there are outstanding issues which may be resolved by telephone, he is invited to contact Applicant's undersigned Attorney at the telephone number listed below.

Respectfully submitted,

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